

Town Board Minutes

Meeting No. 9

Regular Meeting

March 16, 1998

MEETINGS TO DATE 9
NO. OF REGULARS 6
NO. OF SPECIALS 3

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LANCASTER, NEW YORK
MARCH 16, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 16th day of March 1998 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, ASS'T BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:55 P.M. to deliberate in Executive Session for the announced purpose of discussing a contract negotiation matter.

At 10:45 P.M. the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING THE TOWN BOARD:

Frank, Mary Ann, 5176 Genesee Street, spoke to the Town Board on the following matter:

Replacement of trees on Genesee Street.

Gull, Henry, 710 Pavement Road., spoke to the Town Board on the following matter:

Relocation of Williamsville toll barrier east of Ransom Rd.

Schneggenburger, Roy, 87 Stony Road., spoke to the Town Board on the following matters:

- Commented and questioned prefiled resolution number seven.
- Use of concession stand at Westwood Park.

Freler, Brian, 5394 William Street, spoke to the Town Board on the following matter:

Asked for a report on the present status of Fairway Hills Subdivision.

Rego, Art, 37 Hemlock Lane, spoke to the Town Board on the following matter:

Present status of the revised Town Master Plan.

Stanko, John, 10 Pleasant View Drive, spoke to the Town Board on the following matter: **Page 165**

Complained about restoration of water line in front of his home especially over his driveway approach.

Zarbo, Richard, 357 Stony Road, spoke to the Town Board on the following matters:

- Consolidation of police services.
- Long term flood control.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon amendments to Chapter 46, Article 10 of the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

Norm Bastian
Art Rego
Richard Zarbo

ADDRESS

5747 Genesee Street
37 Hemlock Lane
357 Stony Road

COMMENTS & QUESTIONS

ADDRESS

Mary Ann Frank

5176 Genesee Street

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:40 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:50 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Marlene Benson for a Special Use Permit for a Home Occupation (Dog Grooming) on premises locally known as 124 Pavement Road, Town of Lancaster, County of Erie, State of New York.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

Kenneth Benson

ADDRESS

124 Pavement Road

OPPOSERS

None

COMMENTS & QUESTIONS

None

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:00 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on March 2, 1998 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board, by resolution dated January 1, 1998, extended certain benefits enjoyed by the members of the Lancaster Town Police Department under their negotiated contract to the Captains and Chief of Police, and

WHEREAS, the resolution as adopted contains a typographical error wherein the benefits of Section 10.03 "Sick Leave Upon Retirement" were extended only to the Chief of Police, and

WHEREAS, it was the purpose and intent of the Town Board resolution to extend the benefits to both the Captains and the Chief of Police as set forth in the preamble of the resolution,

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted by the Town Board on January 1, 1998, extending certain benefits enjoyed by the members of the Lancaster Town Police Department under their negotiated contract to the Captains and Chief of Police be and is hereby amended under Section 10.03 "Sick Leave Upon Retirement" by deleting the words "Chief Only".

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

FILE: ramend.gen (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, Chapter 315 of the Laws of the State of New York of the Year 1997 amended §459 of the Real Property Tax Law by adding thereto §459-c which provides that defined disabled persons owning real property and who have limited income, as defined in the State Law, may qualify for an exemption from taxation to the extent of fifty per cent (50%) of the assessed valuation thereof upon a municipal corporation adopting a local law to grant such exemption, each municipal corporation and school district being required to act separately to provide for this exemption as it relates to its own tax levy, this exemption, however, not to be accorded where an aged exemption is already in place under §467 of the Real Property Tax Law; and

WHEREAS, the Town Board, after due review and consideration deems it in the public interest to provide for an exemption from Town Taxes to those property owners who meet the threshold requirements for disability income as set forth in the state enabling legislation as beforementioned, and

WHEREAS, the Town Board further deems it in the public interest to enact a Local Law of the Year 1998, entitled " Real Property Tax Law Exemption for Disabled", and designated as Chapter 40, Taxation, Article IV of the Code of the Town of Lancaster, which reads as follows:

TAXATION
CHAPTER 40
ARTICLE IV
REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED

Proposed

LOCAL LAW NO. __

Of the Year
1998

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ENACTING ARTICLE IV, REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED AS IT RELATES TO REAL PROPERTY TAX LAW §459-c , WHICH ARTICLE GRANTS A PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION TO PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOMES, AND SHALL BE ENTITLED, " REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED", AND DESIGNATED AS ARTICLE IV OF CHAPTER 40, TAXATION, OF THE CODE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, NEW YORK.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

ARTICLE IV - REAL PROPERTY TAX LAW EXEMPTION FOR DISABLED
As it Relates to Real Property Tax Law §459-c

- §40-16. Purpose**
- §40-17. Exemption Schedule**
- §40-18. Definitions**
- §40-19. Computed Exemption**
- §40-20. No Exemption Granted**
- §40-21. Application for Exemption**
- §40-22. Notification by Assessor**
- §40-23. Real Property Held in Trust**
- §40-24. Effective Date**

§40-16. Purpose.

To afford a partial exemption from taxation to qualifying eligible persons with disabilities and who have limited incomes in the Town of Lancaster.

§40-17. Exemption Schedule.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the Town of Lancaster as provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
More than \$18,500. But Less than \$19,500.00	50 per centum
More than \$19,500. But Less than \$20,500.00	40 per centum
More than \$20,500. But Less than \$21,500.00	35 per centum
More than \$21,500. But Less than \$22,400.00	30 per centum
More than \$22,400. But Less than \$23,300.00	25 per centum
More than \$23,300. But Less than \$24,200.00	20 per centum
More than \$24,200. But Less than \$25,100.00	15 per centum
More than \$25,100. But Less than \$26,000.00	10 per centum
More than \$26,000. But Less than \$26,900.00	5 per centum

§40-18. Definitions.

For purposes of this Section:

- A. "Sibling" shall mean a brother or sister, whether related through half blood, whole blood or adoption;
- B. "Person with a Disability" is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who:
 - (i) Is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or
 - (ii) Is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, or
 - (iii) Has received a certificate from the state commission for the blind and visually handicapped stating that such person is legally blind.

An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the state commission for the blind and visually handicapped shall be submitted as proof of disability.

§40-22. Notification by Assessor.

At least sixty (60) days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to §459-c RPTL on the latest completed assessment roll, an application form and a Notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

§40-23. Real Property Held in Trust.

Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to §459-c (1) RPTL, were such person or persons the owner or owners of such real property.

§40-24. When Effective.

This Local Law shall take effect upon mailing, filing and publication as required by Law.

§40-19. Computed Exemption.

Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purposes pursuant to both §459-c and §467 RPTL.

§40-20. No Exemption Granted.

No exemption shall be granted:

- A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of Eighteen Thousand Five Hundred (\$18,500) dollars, adopted pursuant to §459-c RPTL.

Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the Town Board, after a public hearing, adopts a local law, ordinance or resolution providing therefore.

In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

- B. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by §459-c RPTL
- C. Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in §2801 of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

§40-21. Application for Exemption.

Application for such exemption must be made annually by the owner, or all of the owners of the property on forms prescribed by the state board, and shall be filed in such Assessor's office on or before the appropriate taxable status date; provided, however, proof of permanent disability need be submitted only in the year exemption, pursuant to §459-c RPTL, is first sought or the disability is first determined to be permanent.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 1998, entitled: "Real Property Tax Law Exemption for Disabled as it Relates to Real Property Tax Law §459-c", and designated as Chapter 40, Taxation, Article IV, of the said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:45 o'clock P.M., Local Time, on the 6th day of April, 1998, and that Notice of the Time and Place of such Hearing shall be published on March 28, 1998, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2, That the Town Clerk is hereby directed to make copies of the proposed Local Law for the Year 1998, entitled "Real Property Tax Law Exemption for Disabled, As It Relates to Real Property Tax Law §459-c", for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

March 16, 1998

File: rloc1wh.398

**PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted March 16, 1998, the said Town Board will hold a Public Hearing on the 6th day of April, 1998, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 1998, entitled "Real Property Tax Law Exemption for Disabled, as it Relates to §459-c RPTL" and designated as Article IV of Chapter 40, Taxation of the Code of the said Town, briefly described as follows:

"A Local Law to amend the Code of the Town of Lancaster by Enacting Article IV, Real Property Tax Law Exemption for Disabled As it Relates to Real Property Tax Law §459-c, which Article affords partial exemption from taxation to qualifying eligible persons with Disabilities and who have limited incomes in the Town of Lancaster."

A complete copy of this proposed Local Law of the Year 1998, entitled "Real Property Tax Law Exemption for Disabled as it Relates to §459-c RPTL" and further designated as Article IV of Chapter 40, Taxation, of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: ROBERT P. THILL
Town Clerk**

March 16, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK , TO WIT:

WHEREAS, the Town of Lancaster has negotiated a contract with the County of
Erie Department of Senior Services, whereby the County will provide the sum of \$4,000.00 for
the calendar year 1998 to assist in the support of programs at the Lancaster Senior Center, and

WHEREAS, the Town Board deems it in the public interest to enter into this
Agreement with the County of Erie Department of Senior Services;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute the
beforementioned Contract on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster has established a Refuse and Garbage District for the area of the Town of Lancaster outside of the Villages, and also including the Village of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to expose to public bid the collection of solid waste within the aforementioned Refuse and Garbage District;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Bee, and be posted according to Law, that the Town of Lancaster will receive bids on or before 3:00 o'clock P.M., Local Time, on April 15, 1998, at the office of the Town Clerk of the Town of Lancaster on behalf of the Town, pursuant to specifications which are on file at the office of the Town Clerk of the Town of Lancaster, Town Hall, 21 Central Avenue, Lancaster, New York. The Bids will be opened and read aloud by the Town Clerk, or his designee, at 3:00 o'clock P.M., in the Council Chambers of the Town Hall.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

File: rntbd.sw

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

**COLLECTION AND HAULING OF ALL COMPONENTS OF THE SOLID WASTE
STREAM, INCLUDING RECYCLABLES.**

Please take notice that sealed bids will be received on April 15, 1998, on or before 3:00 P.M., Local Time, at the Office of the Town Clerk of the Town of Lancaster, on behalf of town, pursuant to specifications which are on file in the Town Clerk's Office of the Town of Lancaster, Town Hall, 21 Central Avenue, Lancaster, New York. The bids will be open and read aloud by the Town Clerk at 3:15 P.M. in the Council Chambers of the Town Hall.

Bid Specifications and Bid Sheets may obtained or examined at the office of the Town Clerk of the Town of Lancaster between the hours of 9:00 A.M. and 5:00 P.M. from March 17, 1998 to April 15, 1998, except Saturdays, Sundays and Holidays.

In order to give bidders the opportunity to gain economies of scale and better utilize equipment and labor, which may allow a lower cost to the Town, the Town is inviting bids for collection and hauling to the designated disposal or recycling facilities as follows:

- ° Mixed municipal solid waste (mixed waste) to the American Ref-Fuel Corp. (formerly Occidental) Energy-From-Waste Facility in Niagara Falls, New York, under the existing disposal contract with the Town, or to another site as may be designated by the Town within forty (40) miles of the Town of Lancaster.
- ° Bulky waste and trash, tires and yard waste to (1) American Ref-Fuel Corp., or to (2) another Town designated facility within forty (40) miles of the Town of Lancaster, or to (3) a licensed DEC facility selected by the collector, with the cost to the Town for disposal not to exceed the cost charged by American Ref-Fuel Corp. Energy-From-Waste Facility.
- ° White good and scrap metal to (1) American Ref-Fuel Corp. Energy-From-Waste-Facility, or to (2) another Town designated facility within forty (40) miles of the Town of Lancaster, or to (3) a licensed DEC facility selected by the collector with the cost to the Town for disposal not to exceed the cost charged by American Ref-Fuel Corp. Energy-From-Waste Facility. In the event that the collector elects to take to a facility under (3), then the actual cost of disposal shall be billed by the Collector to the Town on a monthly basis.
- ° Source separated paper products and commingled recyclable materials (glass, tin cans, plastics, etc.) to the BFI facility at 2321 Kenmore Avenue, Kenmore, New York, for the period June 1, 1998 to May 31, 2003. Thereafter under any collection contract extension to the facility to be designated by the Town, which shall be within forty (40) miles of the Town of Lancaster. Both types of recyclable material shall be collected each week and shall not be placed in a compaction type vehicle, but rather collected in a trailer or other non-compaction type vehicle.

- ° Disposal and recycling costs at all Town designated sites shall be paid directly by the Town. During the contract, the Town reserves the right to change the designated site(s) or facility (ies) for disposal or recycling. The contractor shall be given a minimum of thirty (30) days' notice of any such change.

Comments and questions pertaining to the bid documents will be taken in writing and should be addressed to Richard J. Sherwood, Town Attorney, Town Hall, 21 Central Avenue, Lancaster New York 14086 (FAX No.:716-683-0512).

Bids shall be on forms prepared by the Town of Lancaster and shall be subject to specifications attached to those forms.

A certified check in the sum of \$50,000.00, payable to the Town of Lancaster must be submitted with the bid.

The successful bidder must execute a contract within fifteen (15) days from the date of the acceptance of the bid. A suitable performance bond or a non-revocable letter of credit must be submitted five (5) days prior to execution of the contract, and the amount of said surety or Letter of Credit shall be equal to the cost of collection in year one of the bid.

The surety is in place to assure the faithful and prompt performance and completion of the service (s) specified in the Contract. Upon submission of the surety and execution of the contract the certified check for the bid bond will be returned to the successful bidder.

All deposits, except that of the successful bidder and the second lowest bidder, will be returned within fifteen (15) days. The deposit of the second lowest bidder is being held against the eventuality that the successful bidder fails to execute a contract within fifteen (15) days and the Town at its discretion withdraws the award to the successful bidder, and awards to the backup bidder, but in no case will the check be held more than thirty (30) days.

Upon acceptance of its bid, if the successful Bidder fails to enter into a contract pursuant to the requirements of the Board, or fails to give the further security prescribed in this Notice, within the time limit therein, then the bid deposit check, and the moneys standing to the credit of the same, shall be forfeited to the Town as liquidated damages.

Bids may be withdrawn at any time prior to the bid opening by an authorized representative of the bidder.

A non-collusive bidding certificate must accompany each bid.

The Town reserves the right to reject any or all bids, waive any informalities and minor deviations from the specifications, make requests for clarifications, or make the award to other than the lowest bidder if it is found by the Town Board to be in the best interest of the Town to do so.

Collection services will be for the following two categories of stops:

- ° Approximately 11,300 single unit to 4-unit residential, and business and commercial establishments that set out no more than ten (10) containers or items.
- ° Approximately 800 apartments in about 30 complexes of over 4 units. Collector is to supply containers and recycling totes and should factor the cost of furnishing same into its bid.

As price is not the total determining factor in the award, the Town of Lancaster may consider the bid of any person, firm or corporation void and unacceptable should the bidder take exception to any clause, requirement or instruction pertaining to these specifications.

Bids shall be submitted intact on the Bid Submittal Sheets provided (bids not intact and received in other than original form will not be read) and shall be enclosed in sealed envelopes plainly marked "Solid Waste Management Services" as well as "BID FORMS ENCLOSED" plainly marked on the front of the envelope, and addressed to:

Town Clerk
Town of Lancaster
Town Hall - 21 Central Avenue
Lancaster, New York 14086

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

March 16, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster has heretofore contracted with Water District No. 1 of the Town of Elma for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road, between Bowen Road and Ransom Road, and which Contract expires March 31, 1998, and

WHEREAS, such Contract eliminates the need for the Town of Lancaster Fire Protection District to provide fire hydrants on the north side of Hall Road in the Town of Lancaster, thereby resulting in a saving to the taxpayers of the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to renew said Contract;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster, Erie County, New York, shall hold a public hearing on the question of the execution of a contract between the said Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Towns of Lancaster and Elma shall deem appropriate:

- a) The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefor, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice, each to the other;
- b) The contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No. 1 of the Town of Elma, the sum of \$30.00 per hydrant per year for a total of fourteen (14) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 1998 and terminating March 31, 2003; and

- c) The contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require. If such hydrants shall benefit the Town of Lancaster, rental for same to be paid in accordance with Paragraph (b).

2. That said Public Hearing shall be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 6th day of April, 1998 at 8:30 o'clock P.M., Local Time, at which time all citizens or parties in interest may be heard upon the said proposed Contract.

3. That the Town Clerk of the Town of Lancaster be directed to publish a Notice of such hearing in the Lancaster Bee and post a copy of the Notice of said Public Hearing on the Town Bulletin Board, said Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
FIRE PROTECTION DISTRICT

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M. , Local Time, on the 6th day of April, 1998, upon a proposed contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Town of Lancaster and Town of Elma deem appropriate:

- a) The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefor, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice each to the other.
- b) The Contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No. 1 of the Town of Elma, the sum of \$30.00 per hydrant per year for a total of fourteen (14) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 1998 and terminating March 31, 2003.
- c) The Contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require, rental for same to be paid in accordance with Paragraph (b).

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

BY ORDER OF THE

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **ROBERT P. THILL**
Town Clerk

March 16, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED MARCH 16, 1998, AMENDING THE BOND
RESOLUTION ADOPTED SEPTEMBER 6, 1994 AND HERETOFORE
AMENDED ON JULY 10, 1995 AND ON APRIL 1, 1996.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all members of said Town Board) AS
FOLLOWS:

Section (A) The bond resolution of said Town duly
adopted by the Town Board on April 1, 1996, entitled:

"Bond Resolution of the Town of Lancaster, New
York, adopted September 6, 1994, amended July 10,
1995 and further amended April 1, 1996, authorizing
the construction of a youth bureau building at 100
Oxford Avenue in the Town, stating the estimated
maximum cost thereof is \$1,070,000, appropriating
said amount therefor, including the expenditure of
\$125,000 expected to be received as a grant from
the State of New York, and authorizing the issuance
of \$945,000 serial bonds of said Town to finance
said the balance of appropriation,"

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED SEPTEMBER 6, 1994, AMENDED JULY 10, 1995
AND APRIL 1, 1996, AND FURTHER AMENDED MARCH 16,
1998, AUTHORIZING THE CONSTRUCTION OF A YOUTH
BUREAU BUILDING AT 100 OXFORD AVENUE IN THE TOWN,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$1,120,000, APPROPRIATING SAID AMOUNT THEREFOR,
INCLUDING THE EXPENDITURE OF \$125,000 EXPECTED TO
BE RECEIVED AS A GRANT FROM THE STATE OF NEW YORK,
AND AUTHORIZING THE ISSUANCE OF \$995,000 SERIAL
BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Town Board) AS
FOLLOWS:

Section 1. The Town of Lancaster, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
construct a youth bureau building on Town-owned property located
at 100 Oxford Avenue, in the Town, and to purchase the original
furnishings, equipment, machinery and apparatus required in
connection with the purpose for which said building is to be
used. The estimated maximum cost of said specific object or
purpose, including preliminary costs and costs incidental thereto
and the financing thereof, is \$1,120,000 and said amount is

hereby appropriated therefor. The plan of financing includes the expenditure of \$125,000 expected to be received as a grant from the State of New York, the issuance of \$995,000 serial bonds of the Town to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$995,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The building to be constructed will be of Class "C" construction as defined by Section 11.00 a. 11.(c) of the Law, and the period of probable usefulness of said specific object or purpose for which the \$995,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 11.(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury

Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00

of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution, as amended, is subject to permissive referendum.

Section (B) The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall

be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C) The Town Clerk of said Town of Lancaster, shall within ten (10) days after the adoption of this resolution cause to be published, in full, in the "LANCASTER BEE," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF LANCASTER, NEW YORK

PLEASE TAKE NOTICE that on March 16, 1998, the Town Board of the Town of Lancaster, in the County of Erie, New York, adopted a resolution further amending the bond resolution adopted by said Town Board on September 6, 1994, amended on July 10, 1995 and April 1, 1996, which bond resolution, as amended, is entitled:

"Bond Resolution of the Town of Lancaster, New York, adopted September 6, 1994, amended July 10, 1995 and April 1, 1996, and further amended March 16, 1998, authorizing the construction of a youth bureau building at 100 Oxford Avenue in the Town, stating the estimated maximum cost thereof is \$1,120,000, appropriating said amount therefor, including the expenditure of \$125,000 expected to be received as a grant from the State of New York, and authorizing the issuance of \$995,000 serial bonds of said Town to finance said the balance of appropriation,"

an abstract of which bond resolution, as amended, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to construct a youth bureau building on Town-owned property located at 100 Oxford Avenue, in the Town; STATING the estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,120,000; APPROPRIATING said amount therefor; STATING the plan of financing includes the expenditure of \$125,000 expected to be received as a grant from the State of New York, the issuance of \$995,000 serial bonds of the Town to finance the balance of said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$995,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance a part of said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness to be fifteen (15) years; the proceeds of said bonds may be applied to reimburse the Town for expenditures made after the effective date of said bond resolution for the purpose for

which said bonds are authorized; and the proposed maturity of said \$995,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution, as amended, is subject to a permissive referendum.

DATED: March 16, 1998

ROBERT P. THILL
Town Clerk

Section (D) Said bond resolution, as herein amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution, as amended, and requesting that it be submitted to the electors of said Town for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted September 6, 1994 and amended July 10, 1995 and April 1, 1996 shall not be in any way affected and shall remain in full force and effect.

Section (E) After said bond resolution, as herein amended, shall take effect, the Town Clerk is hereby directed to cause said bond resolution as herein amended, to be published, in summary, in the newspaper hereinabove referred to in Section C hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (F) This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 1019 to Claim No. 1276 Inclusive

Total amount hereby authorized to be paid: **\$694,432.35**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4721	Joseph F Basil	5111 Transit Rd	Rem. Tanks
4722	Northeast Paving	2 Cadby Indus Pkwy	Inst. Fuel Tanks
4723	Philips Construction	546 Harris Hill Rd	Alt. Sin. Dwlg
4724	Daniel Abadir	550 Harris Hill Rd	Dem/Ext. Sin. Dwlg
4725	The Peyton BallowCo	4484 Walden Ave	Ext. Restroom/Storage
4726	Mark W Turek	20 Michael Anthony Ln	Er. Fence & Deck
4727	Thomas & Carol Brych	59 Old Post Rd	Er. Fence
4728	Holton, Eugene	10 Woodgate Dr	Er. Pool
4729	Steve Overton	635 Harris Hill Rd	Er. Fence
4730	Henry Partyka	100 Michael's Wlk	Er. Shed
4731	Donald Kowalski	29 Matthews Dr	Er. Fence
4732	Centennial Homes Inc	161 Nathan's Terr	Er. Sin. Dwlg
4733	Michael Kozak	8 Clermont Ct	Er. Deck
4734	Kenneth F. Hebler	6 Clermont Ct	Er. Deck
4735	Phil Kryszak	26 Hemlock Ln	Er. Shed/Pool
4736	J. Drzewiecki	14 Spruceland Terr	Er. Deck
4737	George H Murtha	6469 Transit Rd	Alt/Er Sign
4738	Distinctive Decks	36 Spruceland Terr	Er. Deck
4739	Boston Hotel Crab & Steak House	5555 Genesee St	Ex. Restaurant
4740	Richard Lyons	22 Michael Anthony Ln	Er. Fence
4741	Ryan Homes	67 Michael Anthony Ln	Er. Sin. Dwlg
4742	Brian Schuhmann	76 Michael's Wlk	Er. Shed
4743	Daniel Fetes	38 Village View	Er. Shed
4744	Ronald Joyce	40 Michael Anthony Ln	Er. Shed

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

File:Rbldg2

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

WHEREAS, the Phoenix Mutual Insurance Company currently provides Group Life Insurance in the amount of \$20,000.00 for qualified employees of the Town of Lancaster for an annual premium of \$15,787.00, and

WHEREAS, The Guardian Life Insurance Company of America, by a proposal dated March 14, 1998, has offered to issue a Group Life Insurance Policy covering qualified employees of the Town of Lancaster for a greater amount of life insurance at less cost,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

SECTION 1: That the proposal of The Guardian Life Insurance Company of America, dated March 14, 1998, to provide Group Life Insurance for qualified employees of the Town of Lancaster be and is hereby accepted and the Supervisor be and is hereby authorized to place an order with this company for the aforesaid insurance.

SECTION 2: That the Supervisor of the Town of Lancaster be and is hereby authorized to order cancellation of the Group Life Insurance Policy presently in effect with the Phoenix Mutual Life Insurance Company, effective the date of coverage of the new policy from The Guardian Life Insurance Company of America.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

FILE: rinslife.ent

Council Member Montour requested a suspension of the necessary rule for immediate consideration of the following resolution
SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:**

WHEREAS, THE New York State Senate Committee on Local Government has made a request for proposals for the 1998 Statewide Shared Services Program for Municipalities and School Districts, and

WHEREAS, it will benefit the Town of Lancaster to join with the Lancaster Central School District to submit a joint proposal under this program to promote efficient use of tax dollars through collaborative efforts, and

WHEREAS, the Lancaster Central School District, in a meeting conducted on March 9, 1998, has submitted a resolution to join with the Town of Lancaster and submit a proposal under the Statewide Shared Services Program to achieve a demonstrable measurable outcome through the efficient use of shared resources, and

WHEREAS, the Statewide Shared Services Program is offering competitive matching grants available in an amount up to \$30,000 for approved partnerships,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute an application in conjunction with the Lancaster Central School District and the Village of Lancaster under the 1998 Statewide Shared Services Program for Municipalities and School Districts.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

File: Rstate.mun

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has previously filed with the Erie County Department of Personnel Form PO-17 "New Positions Duties Statement" for the purpose of obtaining the appropriate service title for the anticipated three (3) positions of Laborer Aide, Full-Time, of the Town of Lancaster, and

WHEREAS, the Erie County Department of Personnel has indicated that the appropriate title for these positions is Laborer Aide, Full-Time,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates the three (3) positions of Laborer Aide, Full-Time, of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and execute Section 8 of Form PO-17 (New Position Duties Statement) indicating that three (3) positions of Laborer Aide, Full-Time, of the Town of Lancaster have been created.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 16, 1998

File: RPERS.CRE (P2)

COMMUNICATIONS:

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152. Town Clerk to Town Board -
Monthly Report for February, 1998 DISPOSITION = Received and Filed
153. Town Clerk to Town Board -
Notice of contracts due to expire in May, 1998. DISPOSITION = Town Attorney
154. Council Member Montour to Drew Assoc., Buffalo/Niagara Partnership -
Comments re: the prospect of making an application for shared equipment purchases
DISPOSITION = Received and Filed
155. Town Clerk to Planning Board Chairman -
Transmittal of rezone petition for Hamister Development Co., Inc./Regent Development Int.'L
Inc. on premises situate at 00-4793 William St. DISPOSITION = Received and Filed
156. Town of Marilla to Town of Lancaster -
Excerpts from minutes of meeting of Marilla Town Board re: fire hydrant maintenance rates.
DISPOSITION = Received and Filed
157. Disaster Coordinator to General Crew Chief -
Expression of appreciation to General Crew Chief and staff for help in getting Command Post
building in shape. DISPOSITION = Received and Filed
158. Disaster Coordinator to Five Fire Departments
Expression of thanks for donation toward simulator board. DISPOSITION = Received and
Filed
159. Disaster Coordinator to Town Board -
Minutes from Command Post meeting held 2/24/98. DISPOSITION = Received and Filed
160. Disaster Coordinator to Town Board -
Minutes from Safety Steering Committee held 2/25/98. DISPOSITION = Received and Filed
161. Disaster Coordinator to Supervisor -
Report on Back Injury Reduction Program. DISPOSITION = Received and Filed
162. NEST to Supervisor -
Notice of meeting to be held 3/12/98 in Orchard Park. DISPOSITION = Received and Filed
163. Assoc. of Erie County Governments to Supervisor -
Notice of meeting to be held 3/26/98 in Elma. DISPOSITION = Received and Filed
164. Disaster Coordinator to Highway Supt.
Expression of appreciation to Superintendent and staff for help in getting Command Post
building in shape. DISPOSITION = Received and Filed
165. Osgood Machinery, Inc. to Supervisor -
Announcement of open house at 800 Commerce Pkwy on 3/17/98. DISPOSITION = Received
and Filed
166. Police Chief to Planning Board Chairperson -
Comments re: Valley Overlook Subdivision revised site plan. DISPOSITION = Planning
Committee
167. Dir., Lancaster Libraries to Editor, Lancaster Bee -
Response to letter from concerned citizen re: the new computerized card catalog at the
Lancaster Library. DISPOSITION = Received and Filed
168. GFOA Publication -
Publication listing Town as recipient of Certification of Achievement for excellence in Financial
Reporting in 1993. DISPOSITION = Received and Filed
169. ECDEP Brochure -
Agenda and registration form for Planning Workshop to be held 3/31/98 at ECC South.
DISPOSITION = Received and Filed
170. NEST to Supervisor -
Minutes from annual meeting held 1/08/98. DISPOSITION = Received and Filed
171. ECDEP to Town Clerk -
Notice of Community Workshop to be held 3/30/98 in Ellicottville. DISPOSITION =
Received and Filed

172. Receiver of Taxes to Town Board -
Transmittal of first settlement payment re: 1998 County/Town tax warrant. DISPOSITION = Received and Filed
173. County Dept. of Senior Services to Supervisor -
Transmittal of contract application re: subcontracting to Town to provide services to senior citizens for period 1/1/98-12/31/98. DISPOSITION = Received and Filed
174. Police Chief to Planning Board Chairperson -
Transmittal of letter to Planning Board re: Trentwood Trail Subdivision preliminary plat plan. DISPOSITION = Planning Committee
175. Cohen, Dax & Koenig, P.C. to Secretary, Public Service Commission -
Transmittal of Joint Petition for Approval of Transfer of Cable Systems re: Adelphia Communications Corp. DISPOSITION = Received and Filed
176. Richard Schmidt & Associates to David Brown -
Transmittal of annual report for the "Length of Service Award Program". DISPOSITION = Received and Filed
177. Dorothy Joseph to Supervisor -
Expression of disappointment over gift to Town from Tops Markets. DISPOSITION = Received and Filed
178. Planning Board to Town Board -
Agenda for meeting of 3/18/98. DISPOSITION = Received and Filed
179. County Div. of Budget, Management and Finance to Receiver of Taxes -
Transmittal of original and copy of final 1997 tax settlement with County for execution. DISPOSITION = Received and Filed
180. Paul/Leona Federowicz to Gateway Southtowns, Inc. -
Comments and expression of opposition to Buffalo Crushed Stone rezone petition. DISPOSITION = Planning Committee
181. Planning Board to Town Board -
Minutes from meeting held 3/4/98. DISPOSITION = Received and Filed
182. Planning Board to Town Board -
Recommend approval of Trentwood Trail Subdivision preliminary plat. DISPOSITION = Received and Filed
183. Planning Board to Town Board -
Recommend approval of Valley Overlook Subdivision sketch plans. DISPOSITION = Received and Filed
184. Rachel S. Smith to Building Inspector -
Request refund of Building Permit No. 4696. DISPOSITION = Received and Filed
185. Safety Coordinator to Safety Committee Members -
Notice of meeting to be held 3/19/98 at 9:30 a.m. DISPOSITION = Received and Filed
186. Building Inspector to Town Board -
Request Town renew lease of premises at 11 West Main Street for a one year period. DISPOSITION = Supervisor
187. Fairwood Management to Town Board -
Complimentary letter to Town for willingness to work with residents re: proposed Adult Care facility on William Street, east of Eastwood Village. DISPOSITION = Planning Committee
188. NYSDOT to Dep. Town Attorney -
Results of SEQR review of Buffalo Crushed Stone rezone petition for property situate on Genesee St. DISPOSITION = Planning Committee
189. LIDA to Various Officials -
Notice of meeting to be held 4/6/98 at Lancaster Public Library, Depew Branch at 4:00 P.M. to consider request of PCB Piezotronics Inc. for agency assistance. DISPOSITION = Received and Filed
190. LIDA to Various Officials -
Notice of meeting to be held 4/6/98 at Lancaster Public Library, Depew Branch at 4:10 P.M. to consider request from Italian Gardens Real Estate Corp. for agency assistance. DISPOSITION = Received and Filed

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191. Lancaster-Depew Ponytails to Town Board -
Expression of appreciation for time and effort re: new concession stand, maintenance and improvements in Town parks. DISPOSITION = Received and Filed
 192. PERMA to Supervisor -
Notice of increase in maximum member discount. DISPOSITION = Received and Filed
 193. Northwood Village Assoc. Inc. to Supervisor -
Request assistance in drainage problem near units 2 - 12 Northwood Drive near William St.
DISPOSITION = Town Engineer
 194. Buffalo News, News Southtowns Bureau -
Article dated 3/6/98 entitled "State error gives town assessors heavy workload".
DISPOSITION = Received and Filed
 195. Cost Control Associates to Supervisor -
Transmittal of letter summarizing telephone savings items. DISPOSITION = Supervisor
 196. General Crew Chief to Pres., Lancaster Historical Society -
Notification of local Boy Scout troop's plans to incorporate a stone walkway at the Little Red Schoolhouse. DISPOSITION = Received and Filed
 197. Belmont Shelter Corp. To Supervisor -
Transmittal of "Report to The Erie County PHA Consortium". DISPOSITION = Received and Filed
 198. ECDEP to Buffalo Sewer Authority -
Request meeting to discuss concerns re: Sewer District Nos. 1 and 4 1996/97 billings.
DISPOSITION = Received and Filed
 199. Depew Village Mayor to Town Board -
Minutes from Master Plan Meeting No. 1 held 2/26/98. DISPOSITION = Received and Filed
 200. Emily/John Crawford to Supervisor -
Concerns and questions re: clearing of land in back of property at 22 Wainwright Ct.
DISPOSITION = Received and Filed
 201. Buffalo Crushed Stone Inc. to Town Clerk -
Notification of withdrawal of rezone petition. DISPOSITION = Planning Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER KWAK AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:45 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk